

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ARTHUR AND MARGARET SPIEGEL,

Plaintiffs,

- against -

06-CV-0203

TJM-DRH

ADIRONDACK PARK AGENCY;  
MARK SENGENDERGER, in his official  
capacity as Acting Executive Director of the  
Adirondack Park Agency; RICHARD LEFEBVRE,  
in his official capacity as Executive Director of the  
Adirondack Park Agency; and PAUL VAN COTT,  
in his official capacity as Enforcement Officer for the  
Adirondack Park Agency,

**ORDER**

Defendants.

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McAVOY, SENIOR UNITED STATES DISTRICT JUDGE

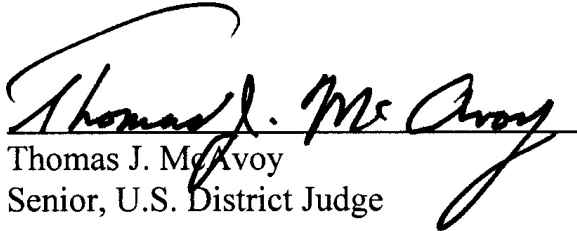
Plaintiffs' Complaint having been filed on February 15, 2006 and defendants having moved to dismiss by notice of motion dated and filed April 6, 2006, along with their brief and the declaration of Susan L. Taylor in support thereof, and plaintiffs having offered the Affidavit of Michael J. Hall, sworn to and filed April 21, 2006 and their brief in opposition to the motion and defendants having offered their reply brief, dated and filed April 27, 2006, the matter came on for a hearing, on May 8, 2006, Eliot Spitzer, by Susan L. Taylor, appearing for defendants and John J. Privitera appearing for plaintiffs.

The motion having been fully briefed and argued and the Court's opinion having been given from the bench, the motion is hereby GRANTED IN PART and DENIED IN PART. The

motion is GRANTED as to plaintiffs' substantive and procedural due process claims, which are hereby DISMISSED. The motion is DENIED as to plaintiffs' selective enforcement claims.

SO ORDERED.

Dated: Binghamton, NY  
May 20\_\_, 2006

  
Thomas J. McAvoy  
Senior, U.S. District Judge